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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE 1242nd MEETING (SECOND PART)*

Held at the Palais des Nations, Geneva,
on Thursday, 21 August 1997, at 3 p.m.

Chairman: Mr. BANTON

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* The summary record of the first part of the meeting appears as document CERD/C/SR.1242.

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CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Draft concluding observations concerning Ethiopia (document distributed in the meeting room, in English only: CERD/C/51/Misc.14 - Future CERD/C/51/CRP.1/Add.10)

1. The draft concluding observations concerning Ethiopia were adopted.

Draft concluding observations concerning Guyana (document distributed in the meeting room, in English only: CERD/C/51/Misc.44 - Future CERD/C/51/CRP.1/Add.17)

Paragraph 1

2. Paragraph 1 was adopted.

Paragraph 2

3. Mr. de GOUTTES read out an amendment proposed by Mrs. Sadiq Ali, which consisted of adding, after the first sentence, a sentence to read: "The multi-ethnic composition of the population and the existence of indigenous communities in Guyana make the implementation of the Convention particularly important".

4. Mr. VALENCIA RODRIGUEZ proposed that the word "resumed" in the last sentence should be replaced by the word "started".

5. Paragraph 2, as amended, was adopted.

Paragraph 3

6. Paragraph 3 was adopted.

7. The Committee's draft concluding observations concerning Guyana, as orally amended, were adopted.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 4) (continued)

Draft decision 1 (51) on Papua New Guinea (document distributed in the meeting room, in English only: CERD/C/51/Misc.45)

Paragraphs 1 and 2

8. Paragraphs 1 and 2 were adopted.

Paragraph 3

9. Paragraph 3 was adopted, subject to an editorial change.

Paragraph 4

10. Paragraph 4 was adopted.

Paragraph 5

11. Paragraph 5 was adopted, subject to an editorial change.

Paragraph 6

12. Mr. YUTZIS proposed that the words "and regrets" should be added after the word "condemns" in the first line of the paragraph.

13. The CHAIRMAN noted that the word "of" in the penultimate line of the paragraph should be replaced by the word "for".

14. Paragraph 6, as amended, was adopted.

Paragraphs 7-9

15. Paragraphs 7-9 were adopted.

16. Draft decision 1 (51) on Papua New Guinea, as orally amended, was adopted.

CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION (agenda item 9) (CERD/C/323)

17. The CHAIRMAN, referring to the Secretary-General's note concerning article 15 of the Convention (CERD/C/323), suggested that the Committee should make the following observations, based on the language used in previous years:

> "The Committee once again finds it impossible to fulfil its functions under article 15, paragraph 2 (a), of the Convention, owing to the total absence of any copies of petitions as provided therein. Furthermore, the Committee found that there was no valid information concerning legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention and, therefore, reiterates its request that it be furnished with the material expressly referred to in article 15 of the Convention so that it will be able to fulfil its functions."

18. It was so decided.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 10)

Work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/51/301, E/CN.4/1997/71)

19. The CHAIRMAN invited Mr. van Boven to comment on the activities of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

20. Mr. van BOVEN said that he had looked through documents A/51/301 and E/CN.4/1997/71, which reproduced reports by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance, in accordance with Commission on Human Rights resolution 1996/21. The documents contained interesting information on the Special Rapporteur's visits to a number of countries, but did not analyse the situation in the countries concerned. It was also unfortunate that the Special Rapporteur made no reference to the Committee's work or to the existence of the Convention. That would appear to indicate that there were two completely separate mechanisms covering the same question with absolutely no coordination between them. However, in resolution 1997/74, entitled "Racism, racial discrimination, xenophobia and related intolerance", the Commission invited the Governments of the concerned States parties to the Convention to consider including in their periodic reports to the Committee information on the measures they had taken to implement the relevant recommendations of the Special Rapporteur. That showed that the Commission recognized the need for cooperation between the two mechanisms. In view of that fact, the Special Rapporteur's indifference to the Committee's activities might be drawn to the Commission's attention. Lastly, the Committee should make known its keen interest in the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the fact that it wished to participate more actively in the preparations for the Conference.

21. The CHAIRMAN said that those concerns would be reflected in the Committee's annual report to the General Assembly.

22. Mr. GARVALOV said that the collective wisdom of an organ composed of many experts, like the Committee, was the guarantee of a superior authority and could not be equalled by the merits of a single individual. He hoped that the Commission on Human Rights, the Economic and Social Council and the General Assembly would take greater account of the Committee's work, and he found it regrettable that, quite obviously, the Special Rapporteur had been entrusted with most of the preparations for the World Conference.

23. The CHAIRMAN said that, if the Committee retained the idea of sending a letter to the High Commissioner for Human Rights, the letter in question could include the points just raised.

24. Mr. WOLFRUM endorsed Mr. van Boven's remarks. He noted that the Special Rapporteur in question had been appointed at the initiative of States that were not parties to the Convention, which could partially explain the situation. When the Committee considered reports, it analysed the situation in the different countries much more thoroughly than did the Special Rapporteur, and the Committee, with its 18 members from different cultures, was in a position to make a much finer assessment of the racial discrimination issue. The Committee's competence placed it in an authoritative position, and it should submit proposals on organization and goal-setting for the World Conference, as it was very important that such a costly event should be carefully prepared.

25. Mr. DIACONU proposed that, given the late hour, the Committee should continue its discussion of the work of the Special Rapporteur at the following meeting.

26. It was so decided.

Draft working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/51/Misc.1/Rev.1)

27. The CHAIRMAN invited Mr. Garvalov to provide the Committee with a progress report.

28. Mr. GARVALOV said that Mrs. Sadiq Ali and he had met twice with Mr. Bengoa and Mr. Mehedi, members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and that they had decided together that a letter would be sent to all States Members of the United Nations - not only to States parties to the Convention - asking them to communicate any relevant information on measures they had taken to implement article 7 of the Convention. It should be possible to submit the final version of the working paper on article 7 to the Committee and the Sub-Commission in August 1998.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

29. The CHAIRMAN, referring to suggestions he had made in document CERD/C/51/Misc.2, said that, in accordance with paragraph 6 of General Assembly resolution 49/178, the Committee had addressed a message to the sixteenth meeting of States parties (CERD/SP/56), to which the States parties had not yet responded. They had been asked, in particular, to take note of the report of the fifth meeting of persons chairing the human rights treaty bodies (A/49/537), notably paragraph 17 on overdue and non-submitted reports, where the chairpersons had urged the States parties to deal with that matter at their regular meetings and said that those meetings should not only be devoted to elections of members of treaty bodies, but should consider general problems relating to the implementation of the treaties.

30. He suggested that the Committee should inform the seventeenth meeting of States parties that two three-week sessions per year were no longer sufficient for it to fulfil its functions and that it was requesting a third session. The idea of one of the Committee's sessions being held at United Nations Headquarters rather than Geneva might also be suggested.

31. The Committee should also inform the States parties that the resources made available to the Centre for Human Rights were insufficient for the Centre to provide the Committee with all the secretariat services it needed.

32. Mr. WOLFRUM endorsed the suggestion that some of the Committee's sessions should be held in New York. He would also be in favour of holding sessions in other regions, in particular when that would be appropriate for the country reports being considered. However, he was not in favour of holding a third annual session, which might eventually alter the Committee's make-up, since it was difficult for professionally active experts to free themselves for nine weeks every year.

33. Mr. YUTZIS said that it should be verified whether the States parties had actually failed to reply to the Committee's communication. The idea of organizing sessions in different regions, naturally insofar as logistical problems could be resolved, appealed to him much more than the suggestion that some Committee sessions should be held in New York. With regard to the financial problems facing the Centre for Human Rights, he particularly regretted the fact that the Committee was not being provided with the assistance of a permanent secretariat.

34. Mr. AHMADU said that holding sessions at Headquarters and in different regions would definitely enhance the effectiveness of the Committee's work, but that that question came within the competence of the Secretary-General rather than that of the States parties. Although it was not very realistic to hold a third session, for the reason mentioned by Mr. Wolfrum, consideration might be given to extending one of the Committee's two annual sessions by one week. That question came within the competence of the Secretary-General and the various options should first be considered within the Committee. The main point to which the States parties' attention should be drawn was the insufficient resources of the Centre for Human Rights, which were the source of most of the difficulties encountered by the Committee.

35. Mr. de GOUTTES said that he, too, was against holding a third session, which would necessarily involve extra expenditures and organizational problems for the members of the Committee. He suggested that the Committee should review its working methods in order to complete its activities by the deadlines assigned to it.

36. Mrs. SADIQ ALI proposed that the Committee should not merely submit a communication to the next meeting of States parties, but should also send Mr. Valencia Rodriguez and Mr. Ferrero Costa to the meeting to speak about the difficulties the Committee was encountering. She agreed with the idea of extending one of the Committee's two annual sessions by one week. The idea of holding certain sessions in the regions also appeared to be a sound one provided that the necessary resources could be found.

37. Mrs. ZOU said that she also objected to the idea of a third annual session, but would be in favour of extending the summer session by one week since it was at that session that the Committee prepared its report to the General Assembly.

38. Mr. SHAHI fully supported Mrs. Sadiq Ali's proposal that Mr. Valencia Rodriguez and Mr. Ferrero Costa should be sent to speak at the next meeting of States parties, as such an action would reinforce the impact of the Committee's written communication. Concerning the idea of a third session, the Committee should be realistic and dismiss as inappropriate any suggestions involving extra expenditure. The solution of holding one four-week session would probably be the most reasonable one.

39. Mr. VALENCIA RODRIGUEZ said that he would be happy to speak at the next meeting of States parties if the Committee wished him to do so and that Mr. Ferrero Costa's help would be greatly appreciated. He agreed with the other members who felt that a third session would not be appropriate and supported the idea of adding a fourth week to one of the sessions. Lastly, he

was not opposed to holding sessions in New York or different regions once in a while, if the budgetary resources were available, and, in the case of the regions, if the United Nations practice of responding to a Government's invitation was followed.

40. Mr. ABOUL-NASR endorsed the suggestion of sending two members to speak at the next meeting of States parties. However, he was opposed to the idea of a third session and proposed that the Committee should organize itself more efficiently in order to complete its work in the six weeks allotted to it. As for the financial difficulties of the Centre for Human Rights, he proposed that the Chairman should meet personally with the High Commissioner for Human Rights and explain to her the repercussions of those problems - insufficient services, in particular - for the Committee. The holding of certain sessions in different regions was an appealing proposal, especially as the cost of such sessions might be charged to the budget for the Third Decade. Such an initiative would also give the people of the regions concerned a clearer idea of the Committee's activities and ultimately make them more affective.

41. After a brief exchange of views among the CHAIRMAN, Mrs. SADIQ-ALI, Mr. VALENCIA RODRIGUEZ and Mr. SHAHI, the CHAIRMAN said that he would send a written communication, in the name of the Committee, to the Chairman of the next meeting of States parties, the main points of which would be reproduced in the statement by Mr. Valencia Rodríguez and Mr. Ferrero Costa at that meeting. Regarding lack of resources as an argument for rejecting the idea of a third annual session, the Committee's priority must be to inform the competent bodies of the logistical support it needed to perform its duties to the full, without going into possible budgetary implications.

42. Mr. YUTZIS endorsed Mr. Aboul-Nasr's earlier proposal to the effect that the Chairman should meet personally with the new High Commissioner to inform her of the Committee's expectations, particularly regarding the assignment of a permanent secretariat to it.

43. The CHAIRMAN said that he would be happy to meet with the High Commissioner.

The meeting rose at 8.15 p.m.